

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ASHLEY ADAMS, individually and as the representative of  
the Estate of RODNEY GERALD ADAMS, and WANDA  
ADAMS, individually;

CARLETTE HUNTER JAMES, individually and as the  
representative of the Estate of KENNETH WAYNE  
JAMES, KRISTY JAMES, KRYSTAL JAMES, KENDRICK  
JAMES, ARLETT JAMES, JONATHAN JAMES, and  
KENNETH EVANS, individually and as heirs-at-law to the  
Estate of KENNETH WAYNE JAMES, and VIRGINIA  
AVERY, as a representative of the Estate of MARY LOU  
JAMES, individually;

MARCUS “CADE” HUDSON, individually, on behalf of all  
wrongful death beneficiaries, and on behalf of the Estate of  
DOUGLAS HUDSON,

Plaintiffs,

v.

BRAD LIVINGSTON, individually and in his official  
capacity, JOE OLIVER, NANCY BETTS, STEVEN  
FIELDS, JOHN DOE, ROBERT LEONARD, BRANDON  
MATTHEWS, DEBRA GILMORE, SARA RAINES,  
DANNY WASHINGTON, MATTHEW SEDA, TULLY  
FLOWERS, DORIS EDWARDS, LINDA MCKNIGHT,  
REVOYDA DODD, RICK THALER, WILLIAM  
STEPHENS, ROBERT EASON, DENNIS MILLER,  
REGINALD GOINGS, LANNETTE LINTHICUM,  
JENNIFER BUSKIRK, and OWEN MURRAY in their  
individual capacities, TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE, and UNIVERSITY OF TEXAS  
MEDICAL BRANCH,

Defendants.

No. 4:14-cv-03326

Consolidated with

*Webb v. Livingston,*  
4:14-cv-3302  
*Togonidze v. Livingston,*  
4:14-cv-3324

**Joint Motion to Extend Deadlines and Stay Discovery**

The Parties jointly file this motion to extend all case deadlines as set forth in the scheduling order, including all pending motions and responses, and to stay all discovery for **seventy-five (75) days** from any previous deadlines, to include all deadlines from January 31, 2018 forward. The parties have reached a preliminary settlement agreement for this case and the related cases pending before the Court. The preliminary settlement is subject to multiple levels of approval, including approval

from the Attorney General, the Governor, the Comptroller, and others. The parties anticipate that the settlements will be approved following completion of the process. The parties request that deadlines be extended and discovery stayed so that they may work through the settlement process.

The Parties respectfully request all proceedings and discovery in this case be stayed and deadlines extended for seventy-five days from any previous deadline in place as of January 31, 2018. By way of example, the following matters have deadlines within the next seventy-five days, and the parties request that these deadlines, as well as all other deadlines, be extended by seventy-five days:

Pleading Deadline	Current Deadline	New Proposed Deadline
Defendants TDCJ and Goings' response to Plaintiffs' motion for sanctions	February 7, 2018	April 23, 2018
Adams reply briefing in support of summary judgment	February 7, 2018	April 23, 2018
Togonidze Discovery Deadline	February 16, 2018	May 2, 2018
Martone Expert Reports	March 14, 2018	May 28, 2018
Togonidze Dispositive Motions Deadline	March 16, 2018	May 30, 2018
Martone Rebuttal Expert Reports	March 28, 2018	June 11, 2018
Hinojosa Expert Reports	April 23, 2018	July 9, 2018

The parties also request that discovery be stayed. As settlements become final in this and the related cases, the parties will notify the Court and will file a motion to dismiss the case. Within seventy-five days, the parties will notify the Court of the status of any remaining cases in which the settlement process is not complete.

Respectfully submitted,

**KEN PAXTON**

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**JEFFREY C. MATEER**

First Assistant Attorney General

**BRANTLEY STARR**

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Assistant Attorney General

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/s/ Leah O'Leary

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**NOTICE OF ELECTRONIC FILING**

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing in accordance with the Electronic Case Files System of the Southern District of Texas, on February 6, 2018.

/s/ Leah O'Leary  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served by electronic service on this 6th of February, 2018 addressed to all attorneys of record.

/s/ Leah O'Leary  
Assistant Attorney General